

JL **SWAIN**
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -
 LUIS CASTRO,
 a/k/a "Smokey,"

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: <u>AUG 26 2008</u>
DATE FILED: <u>AUG 26 2008</u>
<u>INDICTMENT</u>

08 Cr.

08CRIM 810

COUNT ONE

The Grand Jury charges:

1. From at least on or about February 22, 2008, up through and including March 4, 2008, in the Southern District of New York, LUIS CASTRO, a/k/a "Smokey," the defendant, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of said conspiracy that LUIS CASTRO, a/k/a "Smokey," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 50 grams and more of mixtures and substances containing a detectable amount of crack cocaine, in violation of Sections 812, 841(a)(1), and 841(b)(1)(A) of Title 21, United States Code.

(Title 21, United States Code, Section 846)

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about February 25, 2008, in the Bronx, New York, LUIS CASTRO, a/k/a "Smokey," the defendant, engaged in a narcotics transaction with another individual.

b. On or about February 29, 2008, in the Bronx, New York, CASTRO engaged in a narcotics transaction with another individual.

c. On or about March 4, 2008, in the Bronx, New York, CASTRO engaged in a narcotics transaction with another individual.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION AS TO COUNT ONE

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, LUIS CASTRO, a/k/a "Smokey," the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment, including but not limited to:

a. a sum of money representing the amount of proceeds obtained as a result of the controlled substance offense for which the defendants are liable.

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

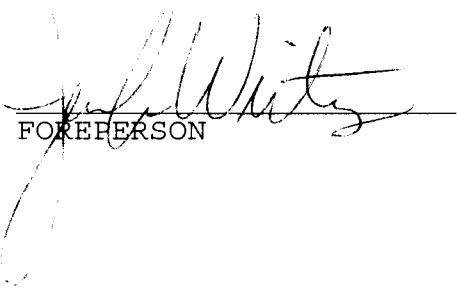
b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1) and 853.)


FOREPERSON


MICHAEL J. GARCIA

United States Attorney

Form No. USA-33S-274 (Ed. 9-25-58)

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(21 U.S.C. §§ 812, 841(a)(1),
841(b)(1)(A), and 846.)

MICHAEL J. GARCIA
United States Attorney.

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